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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,123	01/25/2006	Joachim Spratte	72073	4210

23872 7590 05/24/2007  
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SCARBOROUGH, NY 10510-9227

EXAMINER
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KENNEDY, JOSHUA T

ART UNIT	PAPER NUMBER
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3679

MAIL DATE	DELIVERY MODE
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05/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/566,123

Applicant(s)

SPRATTE ET AL.

Examiner

Joshua T. Kennedy

Art Unit

3679

*[Handwritten signature]*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 8-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election of Species I in the reply filed on 5/2/2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claim 10, which Applicant notes is readable on the elected species, depends from Claim 9, which has been declared as not readable thereon. Therefore, claim 10 has been withdrawn.

Claims 1-7 and 19-21 have been examined.

Claims 8-18 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/2/2007.

### *Priority*

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ersoy et al (US Patent 7,063,480) in view of Nishino et al (US Patent 6,831,629).

As to Claims 1, 5-7, and 21. Ersoy et al disclose a ball and socket joint for a motor vehicle, the ball and socket joint comprising:

a ball and socket joint housing (4);

a ball pivot which is mounted rotatably and pivotably in said housing and has a pivot (3) and a joint ball (1) connected thereto, said ball pivot having a recess (Fig 1);  
and

a magnet (M) arranged in said recess.

However, Ersoy et al do not disclose wherein an intermediate space, which is filled with a plastic ring to fix said magnet, being formed between a jacket surface of said magnet and an inner wall of said recess and said magnet being embedded in said plastic ring.

Nishino et al disclose a pivot joint having a plastic ring (200; Col 26, Line 64) "for accommodating [a] magnet" (Col 25, Lines 29-53) which is placed into a recess of a pivotable structure (194, 230). It would have been obvious to one of ordinary skill in the

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art to modify the joint ball of Ersoy et al to have the plastic ring as taught by Nishino et al for embedding the magnet therein. This also allows for the pieces of the structure to be produced independently from each other and then secured together without directly securing the magnet to the joint ball.

As to Claim 2. Ersoy et al disclose said magnet having front sides and is directly in contact by one of said front sides with said ball pivot.

As to Claim 3. Ersoy et al disclose said magnet being cylindrical or truncated cone-shaped.

As to Claim 4. Ersoy et al disclose said recess being cylindrical.

As to Claims 19 and 20. Ersoy et al disclose said ball pivot consisting entirely of a ferromagnetic material, especially a ferromagnetic steel.

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**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents 5504502, 6670946, 6777928, 6879240, 7036233, 7151526, 7159890, and US Patent Application publications 2006/0078369 and 2007/0040355.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua T. Kennedy whose telephone number is (571) 272-8297. The examiner can normally be reached on M-F: 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTK

5/17/2007



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